

REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 30-33, and 35-37. No new matter has been added. Thus, Claims 30-33 and 35-37 are presented for further examination. Reconsideration and allowance of all Claims 30-33 and 35-37 in light of the present remarks is respectfully requested.

Discussion of Claim Rejections

The Examiner has rejected Claims 30-31, 33, and 36-37 under 35 U.S.C. § 103 as anticipated by U.S. Patent No. 4,616,677 to Krechel, et al. The Examiner also rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Krechel in view of U.S. Patent No. 5,309,945 to Sakai, et al., and Claim 35 under 35 U.S.C. § 103(a) as being unpatentable over Krechel in view of U.S. Patent No. 4,993,462 to Oxley, et al.

In regard to Claim 30, the Examiner stated that "Krechel et al shows a gas cylinder valve with inlet 9, filler check valve 11, discharge 31, valve 41 and actuator 56," and that "the valve of Krechel et al is inherently 'adapted', or fit, to be used with a filling station that is 'capable of being automated'." The Examiner further stated that "[a]s to one piece construction, it has been held that 'forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art'." (Citing *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893)). Finally, the Examiner argued that "[i]n this case, the modification of Krechel et al is so trivial that it is believed to fit the cited case.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, and the prior art references, when combined, must teach or suggest all the claim limitations. M.P.E.P. § 2143.

The filling connection for gas cylinder valves having a discharge connection on the valve body of the gas cylinder, as recited in Claim 30, comprises, *inter alia*, "a filling union provided on a valve body in addition to the discharge connection, wherein the discharge connection and filling union are formed in one piece with the valve body, the filling union".

Obviousness can only be established by modifying the teachings of the prior art to produce the claimed invention where there is some *teaching, suggestion, or motivation* to do so

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found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *M.P.E.P* § 2143.01.

Applicant respectfully asserts that making Krechel's outlet member 27, with outer threaded portion 31, integral with the main body 3 is not an obvious modification, nor is there any suggestion or motivation of such a modification found in the prior art. In contrast to the suggested modification, Krechel explicitly teaches away from an integral or one-piece structure. Specifically, the objects of Krechel's invention include "the provision of a manifold fitting for a compressed air tank with components which can be easily interchanged; [and] the provision of such a manifold fitting that has the flexibility of changing to various configurations". *Krechel at col. 1, lines 17-22* (emphasis added).

Furthermore, even if forming an article in one piece where the article has formerly been formed in two pieces involves only routine skill in the art in some situations as asserted by the Examiner, Applicant respectfully submits that this routine skill cannot be relied upon as a *motivation* to modify Krechel's outlet member 27 such that it is formed in one piece with the main body 3 where Krechel in fact teaches away from such a modification.

Thus, Applicant respectfully submits that Claim 30 recites patentable subject matter, where Krechel teaches away from the the filling connection as recited in Claim 30.

Moreover, Applicant respectfully submits that the European Patent Office (EPO) has recently allowed claims directed to Applicant's invention in a related application (a copy of the certificate of grant and application as allowed is attached hereto). The allowed claims do not recite the "one piece" configuration of the discharge connection and filling union, nor that the filling union is "adapted to be coupled to a filling station capable of being automated". As the EPO has allowed broader claims than currently rejected Claim 30, Applicant respectfully submits that Claim 30, reciting additional features to those recited in the claims of Applicant's European Patent Application, recites patentable subject matter.

Because Claims 31-33 and 35-37 depend from Claim 30, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

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CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: _____

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